

### Remarks

The specification is amended to insert the priority information and the ATCC accession number of the temperature-sensitive plasmid.

New claims 35-41, 46, 51, 5-57, and 58-65 are directed to the same subject matter claimed in canceled claims 9-15, 16, 17, 18-19, and 26-34, respectively. New claims 42-45, 47-50, and 52-55 are supported at page 4, lines 14-15: "The bacteria in the vaccine formulation can be live, lyophilized, lyophilized and reconstituted, or killed."

No new matter is added.

Respectfully submitted,

Date: 1-25-02

By: Lisa M. Hemmendinger  
Lisa M. Hemmendinger  
Registration No. 42,653

Banner & Witcoff, Ltd.  
1001 G Street, N.W., Eleventh Floor  
Washington, D.C. 20001-4597  
(202) 508-9100

Appendix 1. Version of the amended paragraphs, with markings to show changes made.

Page 1, lines 3-5:

This application is a division of Serial No. 09/245,331 filed February 5, 1999, which is a continuation in part of Serial No. 09/160,340 filed September 25, 1998, which claims the benefit of co-pending provisional application Serial No. 60/060,060, filed September 25, 1997[, which]. Each of these applications is incorporated by reference herein.

Page 2, lines 26-29:

Still another embodiment of the invention provides a temperature sensitive plasmid. The plasmid replicates at 30 °C but not at 40 °C in *P. haemolytica*. Moreover, it is of the same incompatibility group as the plasmid which has been deposited at the ATCC with Accession No. [\_\_\_\_\_] 98895.

Page 4, lines 19-23:

Also provided by the present invention is a temperature sensitive plasmid which replicates at 30 °C but not at 40 °C in *P. haemolytica*. Preferably the plasmid is of the same incompatibility group as pD80, *i.e.*, it shares the same origin of replication. One such plasmid has been deposited at the ATCC with Accession No. [\_\_\_\_\_] 98895.